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To: Examiner J. Kavanaugh	FROM: Byron S. Kuzara
COMPANY: U.S.P.T.O.	DATE: September 29, 2004
FAX NUMBER: 703-872-9306	TOTAL NO. OF PAGES: 3
RE: U.S. Serial No. 10/767,710	OUR REFERENCE NO.: 005127.00282

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NAME: Lesa Wolman	PHONE: 503-425-6800
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COMMENTS:

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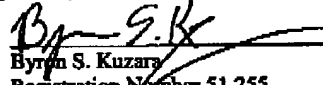
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Respectfully submitted,


By: Byron S. Kuzara
Registration Number 51,255
Banner & Witcoff, Ltd.

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***In re* Application of)

Patricia L. Smaldone, et al.)

Serial No. 10/767,710)

Filed: January 28, 2004)

For: ARTICLE OF FOOTWEAR HAVING A)
SOLE STRUCTURE WITH ADJUSTABLE)
CHARACTERISTICS)

Group Art Unit: 3728

Examiner: Kavanaugh, John T.

Docket No. 005127.00282

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Alexandria, VA 22313

Sir:


In response to the Restriction Requirement of September 24, 2004, Applicants elect Species I, which relates to Figures 1-5. This election is made without traverse. Applicants submit that each of claims 1-14 is readable upon the figures relating to Species I. Accordingly, the Applicants respectfully await an examination on the merits of claims 1-14.

This Response is being timely filed by virtue of its facsimile transmission on September 29, 2004. Should additional fees or an extension of time be deemed necessary for consideration of this Response, such fees or extension are hereby requested and the

Commissioner is authorized to charge deposit account number 19-0733 for the payment of the requisite fee.

Respectfully submitted,

By:


Byron S. Kuzner
Registration No. 51,255

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Dated: September 29, 2004